HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 12693 OF 2007

DATE: 22.6.2007

BETWEEN

1. Adireddy Simmanna, S/o late Appala Naidu and one another
….Petitioners

AND

1. The Joint Sub-Registrar, (Stamps and Registration) Vizianagaram and two others
…. Respondents

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 12693 OF 2007

ORAL ORDER:

Petitioners claim to have purchased Ac. 14.96 cents of land in S.No. 145 (old 5/1) patta No. 537 of Kothavelagada Village of Gantyada Mandal, Vizianagaram District, from one R. Sannibabu. The sale deed was presented before the first respondent for registration on 24.1.2007. The document was assigned the pending registration number, being 6/2007 and the registration was deferred on the ground that the petitioners must produce pattedar passbooks issued by the Mandal Revenue Officer, Gantyada, the third respondent herein. The petitioners challenge the endorsement made by the first respondent. They contend that the Government issued memo dated 4.5.2007 exempting the production of pattedar passbooks and title deeds before the registering authority up to 31.3.2008 and there is no basis for insistence on the production thereof. As regards the second requirement, petitioners contend that it is equally untenable.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 6-D of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, mandates that any registering authority shall insist on production of pattedar passbooks and title deeds issued under the enactment before any document is registered. Having regard to the fact that issuance of such document has not been completed and he states that the Government issued memo dated 5.4.2007, exempting production thereof up to 31.3.2008, therefore, the document presented by the petitioners cannot be refused on account of non production of pattedar passbooks and title deeds.

So far as the second requirement pointed out in the

endorsement made by the first respondent is concerned, it is as vogue as it could be. It is not known as to which type of correspondence the first respondent insisted.

The Stamp Act and Registration Act, as amended from time to time, prescribe the procedure be followed for admitting the documents for registration. The registering authority cannot travel beyond the scope of this enactment except where there exists specific statutory provision.

For the foregoing reasons, the Writ Petition is disposed of directing the first respondent to process the document presented by the petitioner in accordance with the provisions of the Stamp Act and the Registration Act, as amended, without insisting on production of pattedar passbooks and title deeds and any correspondence with the 4th respondent, within a period of ten days from today. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Date: 22.06.2007
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